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5 Attorneys for Defendant  
6 CIRCUIT CITY STORES, INC.

7  
8 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
9 COUNTY OF LOS ANGELES – CENTRAL DISTRICT  
10 CENTRAL CIVIL WEST

11 DANIEL E. WEIDLER; MICHAEL F.  
YEZBACK; ELOISE GARCIA,  
12 individually and on behalf of a class of all  
similarly-situated individuals,

13 Plaintiff,

14 v.

15 CIRCUIT CITY STORES, INC.; and  
16 DOES 1 through 100, inclusive,

17 Defendants.

CASE NO. BC369011  
(Related to Case Nos. BC368973 and BC376860)

**NOTICE OF RULING ON PLAINTIFFS'  
MOTION FOR PRELIMINARY APPROVAL  
OF CLASS ACTION SETTLEMENT,  
PROVISIONAL CERTIFICATION OF  
CLASS FOR SETTLEMENT PURPOSES,  
APPROVAL OF NOTICE, AND SETTING  
OF FINAL FAIRNESS HEARING**

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Date:	September 25, 2008
Time:	9:00 a.m.
Dept:	324
Judge:	Hon. Victoria G. Chaney
Complaint Filed:	April 4, 2007
Trial Date:	Not yet set

21  
22 On September 25, 2008, plaintiffs' Motion for Preliminary Approval of Class Action  
23 Settlement, Provisional Certification of Class for Settlement Purposes, Approval of Notice, and  
24 Setting of Final Fairness Hearing came on for hearing in Department 324, Central Civil West, the  
25 Honorable Victoria G. Chaney, presiding. David deRubertis of The deRubertis Law Firm and  
26 Nathan Goldberg of Allred, Maroko & Goldberg appeared for plaintiffs. E. Joseph Connaughton  
27 of Paul, Plevin, Sullivan & Connaughton LLP appeared for defendant.

1 At that hearing, the Court issued the Order attached to this Notice as Attachment A,  
2 reserved any ruling on plaintiffs' attorneys' fee request, and set a final settlement approval hearing  
3 for December 12, 2008 at 10:00 a.m., with any final motion to be filed by no later than December  
4 9, 2008.

5 Dated: September 30, 2008

6 PAUL, PLEVIN, SULLIVAN &  
CONNAUGHTON LLP

7  
8 By: 

E. JOSEPH CONNAUGHTON  
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ATTACHMENT A

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Angie Duron, individually and on behalf of a class of all  
similarly-situated individuals

**SUPERIOR COURT OF THE STATE OF CALIFORNIA**

**FOR THE COUNTY OF LOS ANGELES**

**CENTRAL CIVIL WEST**

DANIEL E. WEIDLER, MICHAEL F. YEZBACK,  
ELOISE GARCIA, ANGIE DURON, individually and  
on behalf of a class of all similarly-situated individuals,

Plaintiffs,

v.

CIRCUIT CITY STORES, INC.; and DOES 1 through  
100, inclusive,

Defendants.

) Case No.: BC 369 011  
) [Assigned to Hon. Victoria Chaney,  
) Dept. 324, Civil Central  
) West-Complex Designation]  
) [Related to Case Nos. BC 368973 and  
) BC 389968]

) **~~PROPOSED~~ ORDER**  
) **GRANTING PRELIMINARY**  
) **APPROVAL OF CLASS ACTION**  
) **SETTLEMENT, PROVISIONAL**  
) **CERTIFICATION OF CLASS**  
) **FOR SETTLEMENT PURPOSES,**  
) **APPROVAL OF NOTICE, AND**  
) **SETTING OF FINAL FAIRNESS**  
) **HEARING**

) Date: September 25, 2008  
) Time: 9:00 a.m.  
) Dept.: 324

) Complaint Filed: April 4, 2007

1 The motion of Plaintiffs Daniel E. Weidler, Michael F. Yezback, Eloise Garcia, and Angie  
2 Duron, on behalf of the Settlement Class as defined below, for an order granting preliminary  
3 approval of class action settlement came on for hearing on September 25, 2008 at 9:00 a.m. in  
4 Department 324 of the above-entitled Court, the Honorable Judge Victoria G. Chaney, presiding.  
5 The Court having considered the motion and all submissions in connection with the proposed  
6 settlement and argument of counsel at the hearing, and having concluded that it has jurisdiction to  
7 adjudicate the issues raised and thus to provide relief, IT IS HEREBY ORDERED THAT:

8  
9 JURISDICTION:

10 1. The Court has jurisdiction over the subject matter and all parties to this action,  
11 including the Settlement Class.

12  
13 PLAINTIFF AND SETTLEMENT CLASS:

14 2. The Court orders the certification of this litigation as a class action for settlement  
15 purposes only. The certified "Settlement Class" consists of: All persons who were employed by  
16 Circuit City in California and who were at least forty (40) years of age as of March 28, 2007, and  
17 whose employment with Circuit City was terminated on or about March 28, 2007 or shortly  
18 thereafter in relation to their wage rates.

19 3. The Court orders the appointment of Daniel E. Weidler, Michael F. Yezback, Eloise  
20 Garcia, and Angie Duron as the Class Representatives.

21 4. The Court orders the appointment of Nathan Goldberg and Michael Maroko of  
22 Allred, Maroko & Goldberg and David M. deRubertis of The deRubertis Law Firm as co-class  
23 counsel.

24 5. The Court has not certified the Settlement Class for any purpose other than to  
25 effectuate the Settlement Agreement, to which the parties have consented on the condition that it  
26 receives final approval. If this Settlement Agreement is terminated pursuant to its terms or if it is not  
27 otherwise approved, this order conditionally certifying the Settlement Class shall be treated as void  
28 *ab initio* and automatically vacated *nunc pro tunc* upon written notice to the Court. The litigation

1 shall then proceed as if the Court had never conditionally certified the Settlement Class and such  
2 findings in paragraphs 2 through 4 had never been made, without prejudice to the ability of any party  
3 to request or oppose class certification on any basis.

4 6. The Court finds that preliminary approval of the Settlement Agreement is appropriate  
5 because its terms appear to be fair, reasonable and adequate to the Settlement Class.

6 7. The Court approves the Notice of Proposed Class Action Settlement, substantially in  
7 the form and content of Exhibit "B" to the Declaration of David M. deRubertis filed in support of the  
8 motion for preliminary approval. The Court finds that this is the best notice practicable to the  
9 Settlement Class under the circumstances and constitutes valid notice to its members. The Court  
10 further approves the Claim Form and Request for Exclusion from Class Action Settlement,  
11 substantially in the form and content of Exhibits "C" and "D" respectively to the Declaration of  
12 David M. deRubertis filed in support of the motion for preliminary approval.

13 8. Within ten (10) days of preliminary approval, Defendant shall supply the claims  
14 administrator with the name, last known address, social security number and dates of employment of  
15 each class member. Within twenty (20) days after preliminary approval, the claims administrator  
16 shall mail the approved Notice of Proposed Class Action Settlement as well as the Claim Forms and  
17 Request for Exclusion forms.

18 9. Class members shall have forty-five (45) days from the date of mailing to postmark or  
19 return by facsimile either their Claim Form or opt-out notice.

20 10. If the Settlement Agreement receives final Court approval, the final judgment will be  
21 res judicata and prohibit any prior, concurrent, or subsequent litigation brought individually, by, or in  
22 the name of, or otherwise on behalf of any member of the Settlement Class against Defendant related  
23 to or arising out of the Class Members' termination of employment by Defendant on or about March  
24 28, 2007, <sup>UGC 9/25/08</sup> ~~in relation to their wage rate.~~ Full effect will be given to the terms of the release contained  
25 in the Settlement Agreement except as to any Class Member who validly opts-out.

26 11. If the Settlement Agreement does not receive final Court approval, is terminated, or  
27 fails to become effective in accordance with its terms, the parties shall be restored to their respective  
28 positions in litigation as of the entry date of that agreement. In such event, the terms and conditions

1 of the Settlement Agreement shall have no further force and effect on the parties and shall not be  
2 used in this litigation or in any other proceeding for any purpose, and any judgment or order entered  
3 by this Court in accordance with the terms of the Settlement Agreement shall be treated void *ab*  
4 *initio* and vacated *nunc pro tunc*.

5 12. The Court will determine whether the Settlement Agreement will receive final  
6 approval at the Final Fairness Hearing on 12/12/08 at 10<sup>00</sup> a.m.

7 a. 3 days before the date of the Final Fairness Hearing, Plaintiffs shall file  
8 with the Court moving papers in support of final approval of the Settlement  
9 Agreement and a request for attorney's fees/costs.

10 b. The Court will hear Class Member objections to the proposed settlement (if  
11 any) at the Final Fairness Hearing if the objecting Class Member files a  
12 written statement with the Court, and serves such written statement on counsel  
13 for the parties, no later than forty-five (45) days after the date the Notice of  
14 Proposed Class Action Settlement is mailed.

15 13. The provisions of this order for the Preliminary Approval of Class Action Settlement  
16 are stipulated to and entered as a result of a compromised settlement of disputed claims. Thus,  
17 nothing contained herein shall be construed at any time or in any forum as an admission or finding,  
18 express or implied, of any fault, liability or wrongdoing by any party.

19  
20 IT IS HEREBY ORDERED, ADJUDGED AND DECREED.

21  
22 Dated: 9/25/08

  
The Honorable Victoria G. Chaney  
Judge of the Los Angeles Superior Court

1 *Weidler, et al. v. Circuit City Stores, Inc.*  
Los Angeles Superior Court – Central Civil West  
2 Case No. BC369011(Related to Case Nos. BC368973 and BC389968)

3 **PROOF OF SERVICE**

4 I, the undersigned, declare that I am over 18 years of age and not a party to this action. I  
am a resident of, or am employed in, the County of San Diego, California and my business  
5 address is Paul, Plevin, Sullivan & Connaughton LLP, 401 B Street, Tenth Floor, San Diego,  
California 92101.

6 On September 30, 2008, I served the following document(s):

- 7 • **NOTICE OF RULING ON PLAINTIFFS' MOTION FOR PRELIMINARY**  
8 **APPROVAL OF CLASS ACTION SETTLEMENT, PROVISIONAL**  
9 **CERTIFICATION OF CLASS FOR SETTLEMENT PURPOSES, APPROVAL**  
**OF NOTICE, AND SETTING OF FINAL FAIRNESS HEARING**

10 on the interested party(ies) in this action by placing ☒ a true copy ☐ the original thereof in a  
separate envelope and addressed as follows:

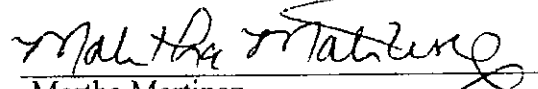
11 **SEE ATTACHED SERVICE LIST**

12 ☒ (By **U.S. MAIL**) I then sealed each envelope and, with postage thereon fully prepaid, I  
13 placed each for deposit with the United States Postal Service, this same day, at my  
business address shown above, following ordinary business practices.

14 ☐ (By **OVERNIGHT DELIVERY**) I then sealed each envelope or package provided by  
15 the overnight delivery carrier, with delivery fees paid or provided for, and placed the  
envelope or package for collection and overnight delivery at an office or a regularly  
16 utilized drop box of the overnight delivery carrier, this same day, following ordinary  
business practices.

17 I declare under penalty of perjury under the laws of the State of California that the  
18 foregoing is true and correct.

19 Executed on September 30, 2008, at San Diego, California.

20   
21 Martha Martinez



**SERVICE LIST**

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